

REMARKS

This Amendment is being filed in response to the Office Action dated August 24, 2006, which has been reviewed and carefully considered.

Claims 1-7 and 9-25 are pending in this application, with claims 1, 7, 11-12 and 23 being the only independent claims. claims 21-25 are added by this Amendment.

Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Office Action, Claims 1-5, 7 and 9-20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,446,261 (Rosser) in view of U.S. Patent No. 6,005,597 (Barrett) and U.S. Patent No. 5,754,939 (Herz). Claim 6 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Rosser, Barrett, and Herz, and further in view of U.S. Patent No. 6,177,931 (Alexander). It is respectfully submitted that claims 1-7 and 9-23 are patentable over Rosser, Barrett, Herz and Alexander for at least the following reasons.

Rosser is directed to a method of monitoring the usage and

viewing habits of the television set or other video reception device (see, Abstract). The viewer profile in FIG. 3 shows a graph where the un-weighted, rolling average of time per week spent watching a category, with a weighting function that gives the current week unit weighting, and then systematically reduces the weighting of previous weeks (see, FIG. 3, Col. 9, line 63 - Col. 10, line 1). Rosser makes clear that "[a] diagrammatic view of a viewer usage profile is shown as a bar chart in FIG. 3. Horizontal axis 122 is used to represent program category, and vertical axis 126 is used to represent a measure of viewing intensity associated with each program category." (See, Col. 8, lines 59-62.) Rosser goes on to state that "FIG. 5 shows a list of both of these twenty six types and the percentage of each which is available in a given week's television transmission in 1986 from an area covered by seven program providers." (See, Col. 9, lines 34-38.) As should be clear from Rosser, the views provided by FIGs. 3 and 5 are different views and are not even related. FIG. 3 represents a viewer profile and FIG. 5 represents a percentage of show types available for viewing in 1986.

While it is acknowledged in the Office Action that "Rosser

fails to disclose the one of the multiplicity of axes has an altering mechanism allowing a value associated with a position on the axis to be changed along the axis ..., wherein at least one of the multiplicity of axis represents ..." (see, Office Action, page 3, lines 6-12), this is hardly all that is lacking of Rosser.

Barrett is cited for showing a user profile interface that includes an altering mechanism allowing a value associated with viewer interest to be changed ... (See, Office Action, page 3, lines 13-18.) Barrett makes clear that (emphasis provided) "the viewer can change the displayed viewer interest by manipulation of appropriate control buttons on a remote control device. The viewer can thereby manually adjust the program interest recorded in the viewer profile for particular shows." See, Col. 14, lines 9-13 which is cited by the Office Action. Accordingly, all Barrett shows is an ability to directly alter a value of the user profile.

It is respectfully submitted that the interface of Claim 1 is not anticipated or made obvious by the teachings of Rosser in view of Barrett and Herz. For example, Rosser in view of Barrett and Herz does not disclose or suggest, an interface that amongst other patentable elements, comprises (illustrative emphasis provided) "a

television viewer profile represented by weighted viewer preferences that proportionately change with respect to at least one axis of the multiplicity of axes, wherein the weighted viewer preferences are represented along a different axis from the at least one axis of the multiplicity of axes, wherein the at least one axis of the multiplicity of axis are provided within a same view as the television viewer profile, wherein the at least one of the multiplicity of axes has an altering mechanism allowing a value associated with a position on the at least one axis to be changed along the at least one axis" as required by Claim 1, and as substantially required by each of Claims 7, 11-12.

Clearly, even if a changing mechanism of Barrett where introduced into Rosser as suggested, what would a change in one view (either of FIGs. 3 or 5) have to do with the unrelated view in the other of the figures? Clearly nothing, nor would such a combination serve any purpose.

Herz is cited for profiling mood and as such, does nothing to cure the numerous deficiencies in Rosser and Barrett. Alexander is introduced to reject a dependent claim and also does not cure the noted deficiencies.

It is further respectfully submitted that the interface of Claim 23 is not anticipated or made obvious by the teachings of Rosser in view of Barrett and Herz. For example, Rosser in view of Barrett and Herz does not disclose or suggest, an interface that amongst other patentable elements, comprises (illustrative emphasis provided) "a television viewer profile represented by weighted viewer preferences that changes with respect to at least one axis of the multiplicity of axes, wherein the weighted viewer preferences are represented along a different axis from the at least one axis of the multiplicity of axes, wherein the at least one axis of the multiplicity of axis are provided within a same view as the television viewer profile, wherein the at least one of the multiplicity of axes has an altering mechanism allowing a value associated with a position on the at least one axis to be changed along the at least one axis, and wherein a selection of the position along the at least one axis of the multiplicity of axes operates to filter the weighted viewer preferences to provide weighted viewer preferences that correspond to the selected position" as required by Claim 23.

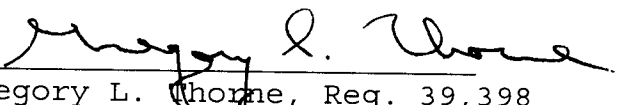
These features are nowhere taught or suggested in Rosser,

Barrett, Herz or Alexander and combinations thereof. Accordingly, it is respectfully submitted that independent claims 1, 7, 11-12 and 23 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-6, 8-10, 13-25 respectively depend from one of Claims 1, 7, 11-12 and 23 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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